

LAW OF THE REPUBLIC OF AZERBAIJAN
On IDP (Internally Displaced Person) AND REFUGEE STATUS

CHAPTER I
GENERAL PRINCIPLES

Article 1. Basic concepts used in this Law

The basic concepts used in this Law have the following meanings:

The term “Refugee” shall apply to person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return.

The term Internally Displaced Person (IDP) shall apply to any person who has moved to another place being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or manmade disaster.

The IDP status can be granted according to decision of appropriate executive authority to the citizen of the Republic of Azerbaijan, being forced to leave the place of the permanent residence in the other country and coming to the Republic of Azerbaijan by the reasons, indicated in part 1 of this Article.

Article 2. Cases when refugee status is not granted

Refugee status shall not be granted to a person who:

- has committed a crime against peace, a war crime, or a crime against humanity and mankind as defined in the international law;
- has committed a serious non-political crime outside of the Republic of Azerbaijan prior to his/her arrival in the territory of Azerbaijan;
- has committed acts contrary to the purposes and principles of the United Nations.

Article 3. Granting political asylum in the Republic of Azerbaijan to aliens and stateless persons

Political asylum shall be granted to the aliens and stateless persons in accordance with Article 70, part 1 and Article 109, point 21 of the Constitution of the Republic of Azerbaijan.

Article 4. Admission of the persons willing to apply for the refugee status to the territory of the Republic of Azerbaijan

Person seeking the refugee status on the territory of Azerbaijan Republic shall pass the border control posts in compliance with the legislation of the Republic of Azerbaijan.

Article 5. Non-amenability for illegal entry the territory. Non-refoulement of refugees to the country of origin

The person, arrived to the Republic of Azerbaijan without valid travel document due to the reasons indicated in the Article 1 of the present law and applied to the relevant governmental body as soon as possible shall stay exempt from the responsibility, provided by the legislation of the Republic of Azerbaijan based on the grounded reason of that body.

According to the reasons set forth in the Article 1, part 1 of the present Law the refugee can no way be sent or forcibly expelled to the country, where his/her life and freedom is endangered.

CHAPTER II

THE LEGAL STATUS OF REFUGEES AND IDPs

Article 6. Rights and obligations of the refugees and IDPs

Unless otherwise is provided by the Constitution of the Republic of Azerbaijan, the present Law and other legislative acts, refugees have the same rights and freedoms with the citizens of the Republic of Azerbaijan and have the same duties with them.

The person obtained the status of refugee or IDP, is provided with the following guarantees in the established order:

- To live free-of-charge in special allocated places until acquiring the job or place of residence for a period of not more than 3 months.
- To come and transport the property from the temporary residence free of charge
- To get free-of-charge medical assistance and day-to-day goods at the places of residences or hospitals by the elders, children, poor people, and the families without heads
- To educate children in preschool education institutions and in relevant higher educational institutions;
- to purchase foodstuff and industrial goods in the settlements on the same basis with the permanent residents;
- to obtain of one-time and other aid determined by the state;
- to get the urgent allocations of single pensioners and invalids at the special institutions of social welfare;
- to acquire status of refugee or IDP within the term, established by present Law;
- to arise the question of payment of financial and other damage;
- to apply to the Court for the defence of broken rights;
- right of movement to the previous place of residence.

A person, who has been granted the refugee status, uses the rights and has the duties, provided by the legislation of the Republic of Azerbaijan for the aliens and stateless persons.

Article 7. Adaptation, naturalisation of the refugees, provision with humanitarian aid

The conditions for adaptation, naturalisation, studying of the language, familiarisation with the rights and duties shall be created.

Refugee can use the humanitarian aid.

Refugee can acquire the citizenship of the Republic of Azerbaijan in accordance with the law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan”.

Article 8. Expelling of aliens and stateless persons

The persons, who couldn't acquire the status of the refugee and asylum in accordance with the Present Law, can be expelled to the other country in compliance with the Law of the Republic of Azerbaijan “On the legal position of aliens and stateless persons”.

CHAPTER III

ACQUISITION AND LOOSING THE STATUS OF REFUGEE OR IDPs

Article 9. Bodies dealing with granting and depriving of refugee and IDP status

Decisions on granting the refugee and IDP status and depriving the refugee status shall be made by the appropriate executive authorities of the Republic of Azerbaijan.

Article 10 Applying for refugee or IDP status

The persons willing to acquire the status of refugee shall apply to the appropriate executive authority of the Republic of Azerbaijan with the statement for obtaining the status of refugee. Persons, willing to acquire the status of IDP shall be registered in the appropriate executive authority of the Republic of Azerbaijan.

Procedures of processing the application are established by the appropriate executive authority of the Republic of Azerbaijan.

Article 11. Rights and obligations of the persons applying for refugee status

A person applying for the refugee status has a right to:

- have a temporary residence on the territory of the Republic of Azerbaijan; free of charge use of the interpreter's service;
- temporary employment;
- obtain the medical service;
- free-of-charge use of living place at the temporary accommodation settlement, provided until the refugee status granting procedure is completed not exceeding 3 months;
- freely practice his/her religion;
- be in touch with representatives of United Nations High Commissioner for Refugees

A person who applied for the refugee status is required to:

- provide the appropriate body with information necessary for acquiring the refugee status;
- follow the rules of being on the territory of the Republic of Azerbaijan established by an appropriate legislation;
- go through the medical examination as required by the Public Health bodies.

The status of refugee shall not be granted to a person, who refuses to give comprehensive information about him/her or premeditatedly provides false information on reasons for applying for the refugee status

Article 12. Application Procedure for the Refugee/IDP status

The decision on granting refugee status is made by the appropriate executive authority of the Republic of Azerbaijan within 3 months from the date of registration of applications and 1 month from the date of registration of applications for the IDP status.

A person granted refugee status and all family members being not less than 16 years shall be issued identity documents and also travel documents in accordance with the 1951 Convention on Status of Refugees.

The refugee identity document, issued in prescribed manner is the document, identifying the personality of refugee and entitling him to stay in the territory of the Republic of Azerbaijan.

Article 13. Rejection of granting the refugee status

A person, whose claim for refugee status has been rejected, shall receive a written notification of the decision with indication of reasons of rejection and procedures of appeal to a court within 5 days after the decision officially taken by the competent body.

The decision on rejection of the refugee status for the person is sent to the appropriate executive authority of the Republic of Azerbaijan, in order to organise expelling of this person from the Republic of Azerbaijan.

The decision on rejection of granting the refugee status can be appealed to the Court. Submission of compliant to the Court shall postpone the activity regarding the expulsion of the persons out of the territory of the Republic of Azerbaijan.

Article 14. Loss of the status of refugee and IDP

Refugee status will cease in the following cases:

- on voluntary re-usage of the right of protection of the country of permanent residence or the country of his/her citizenship;
- on voluntary re-acquisition of the right of deprived citizenship;
- on acquisition of the citizenship of the Republic of Azerbaijan or other country or using protection of the country where he is a new citizen;
- on leaving the country on the reason of beware of measurements or on voluntary re-settling in the country out of the borders;

- on impossibility to refuse the protection of the country, where he is the citizen because of absence of the cases, which was the reason to recognise him as the refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens);
- at possibility of the stateless person to come back to the country of residence because of absence of the cases, which were the reasons to recognise him as refugee (for the exception of refugees, who can provide the sufficient reasons regarding previous measurements for the refuse of the country which they are the citizens).

When the refugee leave the borders of the Republic of Azerbaijan for permanent residence, obligations of the Republic of Azerbaijan regarding this refugee become void on passing the state border of the Republic of Azerbaijan.

IDP status will cease in the following cases:

- on returning to the previous place of residence or on provision with other living space in the same region in established order without compensation;
- in case of impossibility to do it, on provision with an appropriate level living space based on special government decision

Article 15. Prohibition of deprivation of refugee status, expulsion of refugees to the other country or refoulement

Person may be deprived refugee status in the following cases:

- if he represents a threat to the state security and public rules;
- if the refugee status has been acquired as a result of premeditated submission of false information or documents;
- if the person is confined for committed heinous crime according to the decision of Court.

The person, applied for refugee status, can't be expelled or compulsory returned to other country during making decision on his matter by the appropriate executive authority.

Decision of deprivation of refugee status, expulsion or compulsory returning of the refugee or the person willing to acquire the refugee status to the other country is made by the Court according to the statement of appropriate executive authority.

Article 16. Employment of refugees and IDPs

The appropriate executive authorities render assistance to refugees and IDPs in finding job.

Recovery of continuous length of service is done in the new working place in accordance with the appropriate legislation.

For the period leaving job for improvement of qualification or acquiring new occupation the refugee and IDP shall receive the average salary at the new working place according to his/her occupation. The salary difference for the whole production period, occurred in connection with changing of profession without discontinuation of work, shall be paid to the refugee or IDP by the institution, enterprise or department, signing the labour agreement.

Article 17. The provision of refugees and IDPs with living space

Provision of refugees and IDPs with temporary and resident living space is carried out by the appropriate executive authorities of the Azerbaijan Republic in the order, provided by the legislation.

Expenses occurred in connection with movement of refugee and IDP from the temporary place of residence to the permanent place of residence or to the working place shall be paid to him in established order and amount.

Upon desire of refugee or IDP he/she can be provided with special purpose 10 years interest-free loan, as well as with land plot for using depending on his/her place of residence in the order and amount, established by the legislation.

Refugee and IDP are exempt from payment of notary duties for the apartment or house buying-sale transactions.

Article 18. Taxation of Refugees

Refugees are subjected to the payment of taxes and duties, imposed on the citizens of the Republic of Azerbaijan.

Part I of this Article is not applied to the duties, related to the submission of appropriate administrative documents.

CHAPTER IV FINAL PROVISIONS

Article 19. Responsibilities for violating the present Law

Citizens and officials violating this law shall be responsible under the legislation of the Republic of Azerbaijan.

Article 20. International collaboration on the Refugee problems

The Republic of Azerbaijan is collaborating with other states, international bodies and organisations and the United Nations High Commissioner for Refugees firstly for the purpose of eliminating the reasons causing the problem of refugees and IDPs, improving the financial situation and improving legal status as well as voluntary return of the refugees to their country of permanent residence.

Article 21. Enforcement of the present Law

The current law is entering into force since the day of official publication.

The President of the Republic of Azerbaijan Heydar Aliyev

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